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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,517	08/17/2000	Mitsuru Tanabe	KOIK-Q9495	8570
22850	7590	10/24/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BAYAT, BRADLEY B	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/622,517	Applicant(s) TANABE ET AL.	
	Examiner Bradley B. Bayat	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 8 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Status of Claims*

This communication is in response to amendment and remarks filed on August 8, 2006.

- Claim 10 has been amended and claim objection withdrawn.
- Claims 1, 9 and 14 were previously canceled.
- Claims 2-8, 10-13, 15 and 16 remain pending.

### *Response to Arguments*

Applicant's arguments filed on August 8, 2006 have been fully considered but they are not persuasive.

Applicant argues that the cited reference fails to disclose “prohibition of content duplication when an interval of time between the current time and the previous start time of duplication of content is less than a predetermined amount of time (response pp. 7-8).”

The cited reference, Gruse et al. (hereinafter Gruse, 6,389,538) provides a comprehensive digital rights management system that entails a variety of copy protection techniques. For instance, Gruse discloses that the control and enforcement of content usage can result “according to the conditions of purchase or license, such as permitted number of copies, number of plays, and the **time interval** or term the license may be valid (column 9, lines 65-67; emphasis added). As disclosed by Gruse, the certificate revocation lists include time stamps (column 39, lines 51-53).

Moreover, Gruse discloses that various parameters and conditions can be utilized to discriminate content in order to determine whether duplication or copying of content is permissible. Such parameters are ascribed values by Gruse, namely, a D value identifies that date and time the SC was created (column 42, lines 45-52). An E value identifies that date and

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time the SC expires (column 42, lines 53-55). A comparison of such values is compared with the date and time at the clearinghouse (current time) to determine enforcement based on the above noted parameters, as claimed by applicant.

It is noted that since applicant has only argued that above limitation with regard to the claims at hand, the remaining limitation are conceded as being anticipated by the cited reference. Thus, the only issue upon review is whether a timing comparison is made between a time of creation of content, time of expiration (predetermined time) and the current time at the clearinghouse. It is respectfully submitted that the cited reference anticipates applicant's claim language as recited.

**THIS ACTION IS MADE FINAL.**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 2-8, 10-13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gruse et al., US Patent 6,389,538 B1.**

As per the following claims, Gruse et al. disclose:

Claims 2, 3 (Previously Presented): An information processing method/ program storage medium comprising:

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- storing information for discriminating contents duplicated in the past and temporal data as to a previous start time of duplication of said contents into a database (column 14, lines 23-49; columns 23-24);
- acquiring the information for discriminating content to be duplicated (columns 27, 31-36);
- deciding whether copying of the contents discriminated by the discriminating information is allowed in accordance with a comparison between the temporal data stored in the database and current time (column 9, lines 65-67, columns 19-20, column 23, lines 19-65; column 42); and
- duplicating the contents in accordance with said decision whether copying of the content is allowed, wherein the duplication of the content is prohibited when an interval of time between the current time and the previous start time of duplication of said content specified by the temporal data stored in the database is less than predetermined amount of time (columns 9-10, 21, 23, line 65-column 24, line 67; column 42).

Claim 4 (Previously Presented): The information processing method according to claim 2 wherein said contents is reproduced from an information storage medium (Gruse claim 3).

Claim 5 (Previously Presented): The information processing method according to claim 4 wherein said information recording medium is a compact disc (Gruse claim 3).

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Claim 6: (Previously Presented): The information processing method according to claim 2 wherein the discriminating contents is the ISRC (column 65, fig 12, step 1201).

Claim 7: (Previously Presented): The information processing method according to claim 2 wherein the discriminating information for discriminating the contents is the TOC (fig 12, step 1201).

Claim 8: (Previously Presented): The information processing method according to claim 2 wherein the ISRC as the discriminating information for discriminating contents is read out at said storage step from the information recording medium and, if the ISRC is not stored in said information recording medium, data of the TOC is utilized as said discriminating information (fig 12 and associated text).

Claim 10 (Currently Amended): The information processing method according to claim 2, further comprising: checking data in said database; and detecting modification using a hash function (column 27, line 1-column 29, line 21).

Claim 11 (Previously Presented): The information processing method according to claim 2 wherein said predetermined amount of time is a fixed value (column 55, line 47-column 56, line 20).

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Claim 12 (Previously Presented): The information processing method according to claim 2 wherein duplication of the content is allowed when said discrimination information and temporal data of the content to be duplicated is not stored in the database (column 42, lines 45-60; column 61, line 37-column 62, line 32).

Claim 13 (Previously Presented): The information processing method according to claim 11 further comprising: detecting a watermark encoded in the content to be duplicated; and wherein said deciding is made on the basis of the watermarked information if the interval of time between the current time and the start time of duplication of said content in the past specified by the temporal data stored in the database is more than predetermined amount of time (column 42, lines 45-60; column 55, line 15-column 56, line 36).

Claim 15 (Previously Presented): The information processing method according to claim 1, further comprising: updating the previous start time of duplication in the database to the present time when the duplication of content is permitted (column 42, lines 45-60; columns 55-56).

Claim 16 (Previously Presented): The program storage medium including computer program instruction for causing a computer to implement an information processing method according to Claim 3, further comprising: updating the previous start time of duplication in the database to the present time when the duplication of content is permitted (column 42, lines 45-60; columns 55-56).

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*Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 5,832,083 to Iwayama et al.
- US 6,389,403 B1 to Dorak, Jr.



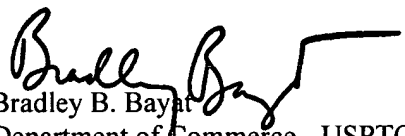
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- US 5,584,023 to Hsu.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m.-6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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